## City of Carson City Agenda Report

Date Submitted: December 2, 2011

Agenda Date Requested: Dec 15, 2011

Time Requested: Consent Agenda

To:

Mayor and Board of Supervisors

From: Randal Munn, Chief Deputy District Attorney

**Subject Title:** For Possible Action: To approve and authorize payment of \$67,500.00 in full settlement of all existing and any potential future claims, causes of action and damages against Carson City alleged or could have been alleged by Melissa Mulder in United States District Court for the District of Nevada, Case No. 3:10-cv-00652-LRH-RAM, or any other court. (*Randal Munn*)

**Staff Summary:** Plaintiff claims that Carson City and Aaron Lewis violated her federal constitutional rights and various Nevada state laws in connection with incidents which allegedly occurred on September 6<sup>th</sup> and September 8<sup>th</sup>, 2010.

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( ) Resolution

() Ordinance-First Reading

(X ) Formal Action/Motion

( ) Other (Specify)

Does This Action Require A Business Impact Statement: ( ) Yes (X) No

Recommended Board Action: I move to approve and authorize payment of \$67,500.00 in full settlement of all existing and any potential future claims, causes of action and damages against Carson City alleged or could have been alleged by Melissa Mulder in United States District Court for the District of Nevada, Case No. 3:10-cv-00652-LRH-RAM, or any other court.

**Explanation for Recommended Board Action:** Will be explained at confidential attorney-client conference.

Applicable Statute, Code, Policy, Rule or Regulation: 42 U.S.C. section 1983 and NRS chapter 41.

**Fiscal Impact:** \$67,500.00 self-insurance retention payable from the Insurance Fund, with any related insurance defense attorneys' fees and costs which have not already been paid to date.

Explanation of Impact: limited impact upon reserve funds.

Funding Source: Insurance Fund (590-0745-415-05-13).

Alternatives: 1) Refer back to District Attorney's office for further consideration

2) Do not approve settlement

Supporting Material: none

| Prepared By: Randal Munn, Chief Deputy District Attorney, Civil Division |   |    |                                  |         |  |  |
|--|---|----|----------------------------------|---------|--|--|
| Reviewed By:   | (Public Works)  (City Manager)  (District Attorney)  (Finance Director) |    | Date: 12/6 Date: 12/6 Date: 12/6 | 14 /11  |  |  |
| <b>Board Action</b>  | Taken:  |    |                                  |         |  |  |
| Motion:  |   | 1) |                                  | Aye/Nay |  |  |
| (Vote F  | Recorded By)  |    |                                  |         |  |  |